

was one of extermination and for conquest, and that it involved the very existence of the white race in the island; that the Haytian constitution declared as a first principle "that no white of any nation should place his foot upon the soil with the title of proprietor," and that the Dominicans invited white immigration by grants of land and the privileges of citizenship; that our commerce suffered from the war, and that our citizens were endangered, and our property lawlessly seized by the barbarians of Hayti in the prosecution of the war; that acts of plunder and piracy to the amount of many hundreds of thousands of dollars had been committed against our citizens, as is proven by Mr. Webster's Report, House Doc., 3d Sess. 27th Congress. The report further urged the fact upon our Government, that England and France coveted Samaná, and that the Dominicans would be forced to cede it to one or the other, in consideration of protection which they had vainly sought from us. It was urged that France had never relinquished her designs to recover the island, and that England had always been, and was then, engaged in efforts to acquire the control of the island. The Government was by this report put in the possession of this additional fact—that the Consul General and Minister Plenipotentiary, Sir R. Schomburg, as soon as he discovered that an application was made for the mediation of the United States, had offered and urged the mediation of England, which was not accepted. The Dominicans did not trust the English Government, but better informed, and consequently more prudent than the United States, feared the known policy of Great Britain on the great question between the races, and did not believe that she would support them in good faith against the double claim of Soulouque to sympathy—both as negro and as emperor. Dominica had been taught by many years of observation, that it was no part of the policy of Great Britain to support a free white republic on the island, but that her designs were to acquire rights for herself in that territory. The mediation of England was, however, pressed by Schomburg with such earnestness, that the Dominicans dared no longer refuse it peremptorily, and the American agent was consulted by the authorities on the subject. The Dominicans would not, however, agree to it, unless it was distinctly understood that the United States and France were to be joint mediators, and with the further distinct avowal that the call for joint mediation was in the alternative, and should be made only on condition that the United States refused to intervene alone. This report, and these offers on the part of Dominica, were met by General Taylor's administration, so far as to instruct their agent to give notice to Soulouque that this Government would not view with indifference any aggression on Dominica, at least while Soulouque was indebted to the United States. This notice had the effect to suspend for a time an invasion which Soulouque was preparing in 1850.

Mr. Bulwer now gave notice of the readiness of his Government to enter into the joint mediation, and the Administration replied, that upon the return of their special agent, they would give a definitive answer. The reputation of Mr. Clayton is, however, free from the stain of this disgrace. Nothing was, in fact, done by him. General Taylor died while the affair was pending, and Mr. Webster took charge of the Department of State. It is worth remark, and should be borne in mind, that after the departure of this special agent from Santo Domingo, no treaty being concluded for the safety of Dominica, but everything left as it had always been, and still is, open and unsettled, the agents of France, and also of England, endorsed the propositions of Soulouque to that Republic, and endeavored to induce its authorities to submit to his demands. This is conclusive evidence that neither of those Powers were acting in good faith with us, or Dominica, and, taken in connection with the fact that the mediation wholly and shamefully failed of its purpose, and that the threats of the three greatest Powers of the earth did not alarm a barbarian who was unable to have resisted, for one moment, the attack of either of them—and that those threats were not carried out by either against him, when he met fully the very contingency on which they were uttered—it is monstrous—wholly incredible, on any principle of human action, that

the majority of them could have been acting in good faith. This Administration, however, replied to Mr. Bulwer, by the appointment of Mr. Walsh; the joint mediation was entered into. Everything which our interest and duty dictated failed, and the two Powers had the triumph of leaving matters open for their future action, with this incalculable advantage gained, an admission by the United States of the right of European Powers to interfere in the affairs of independent Governments in this hemisphere, and a thorough and well-merited contempt felt for us and our arms and diplomacy in those Governments, which should trust us as implicitly as they should profoundly respect us. I shall leave this branch of the subject, with this extract from the official organ of the Dominican government. I take it from the New York Herald, February 26th, which translates from the Gaceta de Gobierno, of January 25th:

"We were surprised," says the Dominican official organ, "when we read, in the message of the President of the United States to Congress, of the settlement of peace between the Dominican republic and that part of the west called the Haytian empire. This false report, communicated to that Government by an unfaithful person, precisely when Soulouque was calling under arms a numerous army at Juana Mendez, in order to invade our territory, is highly alarming, for these falsehoods can affect us in other countries which are friendly to our republic. They wish to divert the attention of other nations from the unrighteous machinations against our independence. For that reason, we positively repeat, that till now the Powers who wished to settle that question, with the desire of avoiding bloodshed in a disastrous war, have not agreed on the affair."

The same spirit which has conducted our negotiations in Hayti has guided our policy in Nicaragua, and to the same or even worse results. The state of things existing at the present moment, produced by the sagacity and courage of this Administration, and the one which immediately preceded, may be stated in a few words. The territorial rights of the republic of Nicaragua are in fact sacrificed by the construction of the treaty made to protect those very rights, and this Administration has become a party to the dismemberment of that republic. The aboriginal tribe of Mosquitos are recognized as having the sovereignty over an indefinite extent of territory which has belonged to Spain since the discovery of the continent, or to the States which have been formed from her colonies. Islands in the Bay of Honduras, which belonged to that republic, have passed, without protest or objection, into the absolute possession of Great Britain, in direct violation of treaty stipulations, and the principle which binds us to the protection from European aggression of all the independent States of this continent. All this has happened, too, in violation of repeated pledges made by this Government. It is not necessary to trace minutely the history of our relations with Central America—political Central America—before the year 1848. In that year, the subject of inter-oceanic communication became of vital and immediate importance; and from that time the series of measures which have terminated in the disgrace of the American name began. Much earlier, however, as early as 1825, the subject was agitated, and correspondence was had between the governments of Central America and the United States on the subject, which is instructive. The Minister of that Government wrote to Henry Clay, then Secretary of State, asking the coöperation of the United States in a treaty for the secure establishment of a transit route, and giving the United States preference over other Powers, on the ground that its "noble conduct had been a model and protection to all the Americas." Instructions were accordingly given to our Chargé d'Affaires to assure the Government of our deep interest in the subject, and to investigate the matter and report upon it. This was not done; but the same efforts were renewed in many instances by Central America, and afterwards by the separate States which had composed it.

I shall pass, however, over all that, and come as hastily as possible to the negotiations which immediately preceded the Clayton and Bulwer treaty, and which are necessary to a full comprehension of the present established policy. In 1847, the republic of Nicaragua, feeling itself endangered by the aggressions of the British, and alarmed at the fatal doctrines asserted by that Government in regard to the rights of the Mosquito kingdom, appealed to the United States for protection, on these grounds:

"The United States is the natural protector of all the republican States of the continent, the center of the hopes of the American cause. Nicaragua, who derived its first impulses from you, and is animated by your example, doubts not that her representations will be received on a subject which threatens her institutions and independence, and affects the interests of all the American republics."

Mr. Buchanan, to whom this letter was addressed, did not reply to it at all; but subsequently, after the same application was repeated, and the English had actually seized the port of San Juan, he sent out Mr. Hise to negotiate. Mr. Hise did not return till after General Taylor was inaugurated, when he came with a treaty, the leading features of which I shall give by extracting its most important provisions.

The instructions of Mr. Buchanan to Mr. Hise assert in bold and true terms the rights of the United States and the motives of England; and for their most lame and impotent conclusion, I confess myself at a loss to account. I give those clauses which contain the substance and meaning of the whole. He says:

"The object of Great Britain in this seizure is evident from the policy which she has uniformly pursued throughout her history, of seizing upon every valuable commercial point in the world, whenever circumstances have placed it in her power. Her purpose, probably, is to obtain the control of the route for a railroad and canal between the Atlantic and Pacific oceans by way of Lake Nicaragua."

He also insists on the policy "of excluding all interference on the part of European governments in the domestic affairs of the American republics." He asserts the wrong of Britain, and denies their claims, but says, in conclusion, that "the Government of the United States has not yet determined what course it will pursue in regard to the encroachments of the British Government." So instructed, Mr. Hise, not perhaps pursuant to instructions, but under the impulse of genuine American feelings, and impressed with the dangerous character of the intrigues of the agents and representatives of Great Britain, particularly at and about San Juan, concluded a convention with Commissioners of Nicaragua, with the following provisions:

1st. That the United States should enjoy the perpetual right of way through the territories of Nicaragua by any means of conveyance then existing, or which thereafter might be devised.

2d. That the United States, or a company chartered by it, might construct a railroad or canal from one ocean to the other, and occupy such lands, and use such natural materials and products of the country as might be necessary for the purpose.

3d. That the United States should have the right to erect such forts on the line or at the extremities of the proposed work as might be deemed necessary or proper for its protection.

4th. That the vessels and citizens of all nations at peace with both contracting Powers might pass freely through the canal.

5th. That a section of land two leagues square at either termination should be set apart to serve as the sites of two free cities under the protection of both Governments, the inhabitants of which should enjoy complete municipal and religious freedom, trial by jury, exemption from all military duty, and from taxation, &c., &c.

In consideration of these privileges the United States were to be bound to defend and protect the territorial rights of Nicaragua, to preserve the peace and neutrality of her coasts, and some other provisions not relevant to the matter in hand. Before Mr. Hise had concluded this convention the Administration which sent him had gone out, and General Taylor was inaugurated. Mr. Hise was recalled, and Mr. Squier sent in his stead, with instructions from Mr. Clayton, which I shall lay before the committee. This treaty of Mr. Hise, which certainly contains matter worth consideration, was suppressed by the Taylor administration, on the ground that it was completed after the date of his letter of recall, and that it exceeded his instructions. The very truth is, it was suppressed because it took the American ground, and would have brought us by possibility in contact with England, which was then asserting new and most extraordinary propositions. We will see what those propositions were, and how they were met by Mr. Clayton, and by his successor. Mr. Manning, Vice Consul at Nicaragua, writes to Lord Palmerston in April, 1849:

"My opinion, if your lordship will allow me to express it, as regards this country, for the present is, that it will be overrun by American adventurers, and consequently bring on her Majesty's Government disagreeable communications with the United States, which possibly might be avoided by an immediate negotiation with Mr. Castellon for a protectorate and transit favorable to British interests. The welfare of my country, and the desire of its obtaining the control of so desirable a spot in the commercial world, and free it from the competition of so adventurous a race as the North Americans, induce me to address your lordship with such freedom."

And Lord Palmerston, in a letter addressed to all the British agents in Central America, asking information as to the boundaries of the Mosquito kingdom, says: "You will also report what in your opinion is the line of boundary which her Majesty's Government should insist upon as absolutely essential for the security and well-being of the Mosquito shore;" and without waiting for a reply, says, in a circular letter to the representatives of his Government, that "the right of the King of Mosquito should be maintained as extending from Cape Honduras down to the mouth of the river San Juan." The answer of Chatfield, the English *factotum* in Central America, improves on Lord Palmerston's exaggerated claim, and says that the Mosquito boundary should pass the river San Juan and reach even to Chagres; because, he says, "looking to the probable destinies of these countries, considerable advantages might accrue in after times by reserving the rights of Mosquito beyond the river San Juan," and suggests, as Manning had done, an "early assertion" of these claims.

The actual seizure with armed force of the port of San Juan, the only terminus of the inter-oceanic communication on the Atlantic side, under pretext of the right of the Mosquito King, and the knowledge of the schemes and designs revealed by the above extracts, prompted Mr. Hise to make the effort to conclude his proposed treaty. In the fear of England, but under the pretenses of want of authority, the administration of General Taylor would not even submit the convention to the Senate, and withheld it from the Senate on a call for it, as appears from Senate Journal, February 13th, 1850. However, General Taylor did what Mr. Buchanan had so singularly omitted to do. He answered to the applications which the Nicaraguan republic had addressed to this for protection against English encroachment, and says, after a recognition of the correctness of the positions taken by the Nicaraguan government, that "the representations of Nicaragua had been received with lively and painful interest," and that the United States would cooperate to "vindicate her just territorial rights, and secure her peace and prosperity." Assurances to the same purpose were made by Mr. Clayton. How have they been redeemed by him or his successor?

Mr. Squier received instructions from Mr. Clayton, from which may be gathered his intention to make a treaty with Nicaragua, not wholly inconsistent with our interests and the promises we had made. Unfortunately, however, the treaty made pursuant to those instructions was suppressed by Mr. Webster. And more unfortunately still, Mr. Clayton made a treaty with England, which, under the construction given by his successor, surrendered the very rights it was intended to protect, and was fatal to the treaty negotiated by his own agent, under his own instructions. Mr. Clayton says, after a masterly and conclusive argument against the right of the English under the Mosquito King:

"It is manifest, indeed, that the rights claimed by Great Britain nominally in behalf of the Mosquito King, but really as her own, are founded in repeated usurpations, which usurpations were repeatedly and solemnly acknowledged and relinquished by her during the domination of Spain on the American continent. Since that domination has ceased, those claims could have had no other foundation for renewal than the supposed weakness or indifference of the governments invested with the rights of Spain in that quarter."—*Instructions of John M. Clayton, Secretary of State, to Mr. Squier, Ex. Doc. 75, 31st Cong., 1st Sess.*

And again, giving his own views of the Clayton and Bulwer treaty:

"We have never acknowledged, and NEVER CAN ACKNOWLEDGE the existence of any claim of sovereignty in the Mosquito King, or any other Indian in America. To do so would be to deny the title of the United States to her own territory. Having always regarded the Indian title as a mere right of occupancy, we can never agree that such a title should ever be treated otherwise than as a thing to be extinguished at the will of the discoverer of the country.

Upon the ratification of the treaty, (the Clayton and Bulwer treaty,) Great Britain will no longer have any interest to deny this principle, which she has recognized in every other case in common with us. Her protectorate will be reduced to a shadow, "*Stat nominis umbra*," for she can neither occupy, fortify, or colonize, nor exercise dominion or control in any part of the Mosquito coast, or Central America. To attempt to do either of these things, after the exchange of ratifications, would inevitably produce a rupture with the United States. By the terms of the treaty neither party can protect to occupy, nor occupy to protect."

Mr. Clayton further instructs Mr. Squier:

"We are willing to enter into treaty stipulations with the government of Nicaragua that both Governments shall protect and defend the proprietors who may succeed in cutting the canal, and opening water communications between the two oceans. All apprehensions may, and will be removed by the solemn pledge of protection given by the United States, and especially when it is known that our object in giving it, is not to acquire for ourselves any exclusive or partial advantage over other nations. Nicaragua will be at liberty to enter into the same treaty stipulations with any other nation that may claim to enjoy the same benefits, and will agree to be bound by the same conditions."

And yet again Mr. Clayton says as to boundaries—and in utter exclusion of the English Mosquito claim:

"Against the aggressions on her territory, Nicaragua has firmly struggled—and protested without ceasing, and the feelings of her people may be judged from the impassioned language of the proclamation of her Supreme Dictator, November 13th, 1848. The moment [says he] has arrived for losing a country with economy, or for sacrificing the dearest treasures to preserve it. As regards myself, if the power which nature sets aside justice, I am firmly resolved to be entombed in the remains of Nicaragua, rather than survive its ruin."

The eloquent appeal of the Minister of Nicaragua to his government, is evidence not less striking than impressive of the disposition of an injured people to resist what they believe to be injustice and oppression. Will other nations interested in a free passage to and from the Pacific ocean by the way of the river San Juan and Lake Nicaragua, tamely allow that interest to be thwarted by such pretensions? Meaning of the Mosquito protectorate of Great Britain! "As it regards the United States, this question may be confidently answered in the negative."

Now, if all this means anything, it means to say that Nicaragua has a right to the line of proposed inter-oceanic communication, including the port of San Juan; and that we will protect this right, if she gives us the right of way—every line. The mere fact of treating with her about the matter, acknowledges her right. The instructions to Mr. Squier, provide that Nicaragua shall only "enter into treaty stipulations with other nations that may claim to enjoy the same benefit, and will agree to be bound by the same conditions."

This very condition of the treaty with Nicaragua, forces England either "to be bound by the same conditions," an acknowledgment of the right of Nicaragua to the port of San Juan, or it cuts her off from the equal enjoyment "of the same benefits" of the transit route. Pursuant to these instructions, Mr. Squier made a treaty with Nicaragua, carrying out their spirit and intention, fully and fairly. I cannot give the treaty in full, but the following clause shows its character:

ART. 36. "It is expressly stipulated that the citizens, vessels, products, and manufactures of all nations, shall be permitted to pass upon the proposed canal, through the territories of Nicaragua, subject to no other, nor higher duties, charges or taxes, than shall be imposed upon those of the United States: *Provided always, That such nations shall first enter into the same treaty stipulations and guarantees respecting said canal, as may be entered into between the State of Nicaragua and the United States.*"

The same provision is made in the treaty of commerce, negotiated at the same time. The right of way was granted by Nicaragua to American citizens; and this treaty, as is obvious, would bring all nations into league against England, if she refused to make the same. Had this treaty been adopted, Nicaragua would have been secured according to her prayer to us, and our solemn pledges to her, against the encroachments of England.

Of course England opposed this treaty in Nicaragua, by every art, which I have not space here to expose. She failed; and as far as Nicaragua was concerned, the treaty was made 23d September, 1849. It was sent home, approved by General Taylor, and submitted to the Senate. It was never acted upon. The death of General Taylor placed our foreign relations in other hands than those of Mr. Clayton, and gave the English Government the power it would probably not other-

wise have had, to turn against us those very acts of Mr. Clayton, which, if unwise in the last degree, wanted yet the action of Mr. Fillmore and his Cabinet, to become altogether disgraceful.

Mr. Clayton, pending the negotiations above alluded to with Nicaragua, and no doubt, as he has often declared, for the purpose of concluding forever the British claims, of whatever character, which came in conflict with the rights of Nicaragua, committed the fatal error of treating with England in an affair in which she had no right. He intended, by the very terms of the treaty, to declare that she had no rights. Why, then, in the name of common sense, should he have treated about those rights as if they existed? But here is the article of the treaty on which all the outrageous claims of England are based, and by which, under the construction of this Administration, we are made to yield the whole question originally in dispute, and to stultify ourselves before the world:

"ART. 1. The Governments of the United States and Great Britain hereby declare that neither the one nor the other will ever obtain or maintain for itself any exclusive control over the said ship canal; agreeing that neither will ever erect or maintain any fortifications commanding the same, or in the vicinity thereof, or occupy or fortify, or colonize, or assume, or exercise any dominion over Nicaragua, Costa Rica, the Mosquito coast, or any part of Central America; nor will either make use of any protection which either affords, or may afford, or any alliance which either has, or may have, to or with any State or people, for the purpose of maintaining or erecting any such fortifications, or of occupying, fortifying, or colonizing Nicaragua, Costa Rica, the Mosquito coast, or any part of Central America, or of assuming or exercising dominion over the same; nor will the United States or Great Britain take advantage of any intimacy, or use any alliance, connection, or influence that either may possess with any State or Government through whose territory the said canal may pass, for the purpose of acquiring or holding, directly or indirectly, for the citizens or the subjects of the one, any rights or advantages in regard to commerce or navigation through the said canal, which shall not be offered on the same terms to the citizens or the subjects of the other."

Now, no doubt this appeared clear to Mr. Clayton, and no doubt he thought that by no greater sacrifice than the great principle of "non-intervention by the Powers of Europe in the domestic affairs of the independent States of this continent," he had attained his object and avoided any collision with England. On the contrary, England has so construed the treaty as to make it an acknowledgment of all her most extravagant demands. Mr. Bulwer says, in a letter to Mr. Webster, that the agreement was not designed to affect the position of Great Britain as to the Mosquito kingdom—and argues that the mere reference to protection contained in the treaty recognizes the right and the fact, and that England only meant to say that she would not exercise this protectorate so as to interfere with the proposed canal. Under this construction, England now occupies San Juan—now oppresses Nicaragua, and now sustains the very protectorate under which she had perpetrated all the wrongs we have pledged ourselves to redress. In further evidence of the construction put on this treaty by England, and also her mode of dealing with refractory republics, see this letter from the representative of England in Central America to the government of Nicaragua, 15th August, 1850:

"Instead of insisting on its supposed right to the Mosquito shore, Nicaragua would best consult her interest by at once making good terms with England—for resistance in this matter will be of no further avail. It is impossible that Nicaragua should be ignorant of her Britannic Majesty's relation to the Mosquito question, as it has before it the letter of Viscount Palmerston, of the date 15th April last, in which he declares, in the most clear and direct terms, the utter impossibility of acceding to the pretensions of Nicaragua. On the other hand, the treaty of Messrs. Clayton and Bulwer, about which you have so much to say, and in which you express so much confidence, expressly recognizes the Mosquito kingdom, and sets aside the rights which you pretend Nicaragua has on that coast. The true policy is for Nicaragua to undeceive herself in this respect, and to put no further confidence in the protestations and assurances of pretended friends, (viz. Americans.) It will be far better for her to come to an understanding, without delay, with Great Britain, on which nation depends not only the welfare and commerce of the State, but also the probability of accomplishing anything positive concerning inter-oceanic communication through her territories, because it is only in London that the necessary capital for such an enterprise can be found."

I will not now argue the question if this be the true construction; it is or it is not. If it is, we have surrendered the Monroe doctrine wholly; we have violated our pledged word willfully, and we have, by acknowledging the Mosquito king, subverted the very principle on which all territorial

right in the New World rests, viz: that the aborigines had only a possessory right, and no sovereignty or eminent domain over any part of it. If it is not the true construction, we are permitting England to violate her treaty obligations with us most injuriously every day, and by this same violation of faith with us, to inflict the deepest wrong on the sister republic which had claimed, and to which we had promised our protection.

This would be our position if no further action had been taken by this Administration after Mr. Clayton left the Department of State. But, sir, I grieve to say that the most intolerable part of the record remains to be completed. And here, sir, I wish to bring a most significant fact before the committee and the country. On the 26th of February, 1851, the following letter was addressed by the Minister of Nicaragua to the Secretary of State, (Mr. Webster.) I give a translation as literal as possible:

WASHINGTON, February 24, 1851.

The undersigned, Envoy Extraordinary and Minister Plenipotentiary of the republic of Nicaragua, has the honor to address Mr. Daniel Webster, Secretary of State of the American Union, to submit to him a few remarks concerning the interpretation that Great Britain has believed necessary to give to the treaty concluded between this last Power and the Government of the United States, the 19th April, 1850. It is notorious to all that the said treaty has for object to give the most complete security for the execution of the maritime canal through the Isthmus of Nicaragua and to guaranty the neutrality of this important way of inter-oceanic communication. Without any doubt to attain this object, and in order to avoid difficulties of any kind to the lawful execution of said treaty, both Governments have thought necessary to insert in the articles, the nomenclature of the States, districts, and localities adjoining the place through which the canal is going to run, among others the coast and the Mosquito country which form and constitute, and that have constituted and formed an essential and integral part always of the republic of Nicaragua.

Hence arose that Great Britain, wishing to take advantage of the same text and the clauses of the treaty, has directed all her agents in Central America, and principally in Nicaragua, new instructions and communications in which expressly is stated that the Government of the American Union recognizes the existence of the pretended Mosquito kingdom, and the usurpation of the port of San Juan, and that, far from debilitating the rights of the savage chief, the treaty confirms them in full.

The undersigned, although fully persuaded of the error of the British Government, cannot help, on this account, to address Mr. Daniel Webster, Secretary of State, with the view of ascertaining if the Government of the Union really intends to recognize the existence of a territory separated, covering, and independent of the republic of Nicaragua, generally known under the name of the coast and Mosquito kingdom, and if the actual Administration which directs the destinies of the American people so wisely and prudently, abounds in the ideas and principles expressed in the dispatch of his honorable antecessor of the 7th of May, 1850, directed to the Chargé d'Affaires of the republic of Nicaragua. The undersigned avails himself of this opportunity, &c., &c.

To which letter no answer has yet been returned. Perhaps this silence, apparently unaccountable, will be made intelligible by considering carefully the *projet* of a convention signed by the Secretary of State for the United States, and the British Minister, (Mr. Crampton,) and presented to the government of Nicaragua. The *projet* should be inserted entire, but its length forbids. I give its substance, under all the responsibilities for any misrepresentation:

I. That the entire southern bank of the river San Juan and Lake Nicaragua, including the department of Nicoya, or Guanacaste, on the Pacific, shall be definitely conceded to Costa Rica.

II. That the Mosquito kingdom shall comprise the territory lying between the mouths of the rivers Rama and Segovia, on the eastern coast of Central America, and shall extend inward to the meridian of 83° 30' west longitude.

III. That the port of San Juan de Nicaragua shall be "ceded." Nicaragua by his august Majesty, subject to a variety of conditions, amongst which is a recognition of all Mosquito grants, and the surrender, for three years, of all duties collected there, at a rate of ten per cent. annually, to this august potentate.

The Mosquito Indians do reserve to themselves, out of the territory heretofore claimed and occupied, on the eastern coast of Central America, a district of country to be bounded as follows: Beginning on the shore of the Caribbean Sea, at the mouth of the river Rama, which is 11° 31' north latitude, and 83° 46' west longitude, running thence due west to the meridian of 81° 30' west longitude from Greenwich, thence due north on said meridian to the river Segovia, thence down said river to the Caribbean Sea, thence southerly along the shore of said sea to the place of beginning, and all the rest and remainder of the territory and land lying southerly and westerly of said reservation, heretofore occupied or claimed by the said Mosquitoes, including Greytown, they shall relinquish and cede to the republic of Nicaragua, together with the jurisdiction over the same, in consideration of the net receipts for three years from all duties levied and collected at Greytown, at the rate of ten per cent. ad valorem on all goods imported

into the State—the period of three years to commence on the day when Nicaragua shall formally take possession of and enter into the occupancy of said town. The said net receipts to be payable quarterly to such agent as may be appointed to receive them.

Nicaragua is required not to molest or interfere with the Mosquito Indians within the territory reserved to them.

The first thing which strikes one on examining this *projet* is the recognition of the Mosquito kingdom. This it not only does expressly by setting forth its boundaries, but by stipulating for the cession ("ceded" is the term used) of the port of San Juan on certain oppressive conditions, by the Mosquitoes to Nicaragua. Now, as to this Mosquito kingdom, in the extracts already made from Mr. Clayton's instructions to Mr. Squier, the argument against any title in them is complete. But I will add a few considerations and authorities to the same purpose:

"The Mosquito Indians are sunk in the lowest state of ignorance and barbarism. Their number (including the Woolwas, Ramas, Towkas, and others not recognizing the sovereignty of the Moscos) does not exceed five thousand."—*Mr. Hise, United States Chargé d'Affaires, to Mr. Buchanan, February, 1849.*

"The Mosquitoes are inferior to the Indians of the United States in personal appearance, and infinitely below them in the mental scale. They are squalid and miserable beyond description. From the best of my information the nation does not exceed one thousand or fifteen hundred, and it is not probable that one tenth of those have any idea of a national character. It should be understood that a number of Indian tribes in the interior are claimed by the English to be under Mosquito jurisdiction, but I cannot learn that they admit any such authority. On the contrary, they actually prohibit, under penalty of death, any intermixture with the Mosquitos."—*Mr. Squier, United States Chargé d'Affaires, to Mr. Clayton, June, 1849.*

"They do not appear to have any idea of a Supreme Being."—*Young's Mosquito Shore, p. 72.*

"Ghastly is not considered a virtue; polygamy is common amongst them."—*Id. p. 73.*

"A plurality of mistresses is no disgrace, and it is not uncommon for a British subject to have one or more of these native women at different parts of the coast. They have acquired great influence through them."—*Macgregor's Report to British Parliament.*

"I have never known a marriage celebrated amongst them. The children are, in general, baptized by the captains of trading vessels from Jamaica, who perform the ceremony with anything but reverence on all who have been born during their absence. Many of them are indebted to them for more than baptism. I could enumerate more than a dozen children of two of these captives. By this licentious and immoral conduct, they have identified themselves with the natives. Their arrival is hailed with joy, as the season of festivity, revelry, chistening, and debauchery."—*Robert's Mosquito Shore, p. 109.*

And the Secretary of State of Nicaragua to Lord Palmerston, says:

"You know, sir, very well, that the established practice for a society which considers itself capable of assuming the rank of a nation, to obtain its recognition as such, is, to solicit through its chief, his ministers, or direct accredited agents, the recognition of established States. But this rule of international law has in no way been complied with by the pretended King of Mosquito, who, it is alleged, now assumes to raise the question of boundary with Nicaragua. This government has not recognized, and will never recognize such a kingdom as 'Mosquito,' much less the territorial pretensions of which you speak. No such king has existed, or now exists. It is preposterous, sir, that a few savages, wandering in the forests and wastes on the coasts of Honduras and Nicaragua, living by the chase and fishing, without houses, without a known language, without written characters, arts, laws, or religion, without any of the elements which, according to received principles, are necessary to a national existence—that such a horde of savages should profess to constitute a regular society, or what is more, a kingdom!"

Chief Justice Marshall says—and the opinion has never been contradicted or questioned—in regard to all Indian title:

"While the different nations of Europe respected the rights of the natives as occupants, they asserted the ultimate dominion to be in themselves."

And again:

"The United States maintain, as all others have maintained, that discovery gave the exclusive right to extinguish the Indian title to occupancy, either by purchase or conquest, and also gave a right to such a degree of sovereignty, as the circumstances of the people would allow them to exercise."

But, sir, not only are the Mosquitos incapable of the rights asserted for them in this treaty, but the republic of Nicaragua has a title to the port of San Juan and the whole of the territory to be "ceded" by this *projet* as clear and indisputable as the United States to the District of Columbia. In 1502, Columbus sailed from Cape Honduras to the Isthmus of Panama, and took possession in the name of Spain. There are grants made in close and constant succession of different parts of this coast by Spain down to 1786. England had,

however, attempted to exercise sovereignty over part of the Mosquito shore in the mean time; but by a treaty of the above date she recognizes the title of Spain, and withdraws her protection from such of her subjects as may "be so daring" as to settle on the territory belonging to Spain. The terms of this treaty are recognized and renewed by the treaty of Madrid, dated August 28th, 1814. The history of the time from 1814 to 1824 exhibits abundant proof of occupancy by Spain of this coast; and when the confederation of Central America declared its independence, England herself recognized it with the boundaries settled in the constitution as reaching from "sea to sea." And on the dissolution of that confederation England also recognized the boundary of the State of Nicaragua, which was declared to run from sea to sea. By two treaties with Spain, one in 1836, the other in 1850, the title of Nicaragua is recognized over the Mosquito coast and "from sea to sea." The port of San Juan, which this *projet* would make Nicaragua purchase from the Mosquitos, was fortified by Spain as early as 1665, and the defenses renewed in 1727, and her occupation of it uninterrupted till 1824, when the troops of Nicaragua expelled the Spanish garrison. In 1842, and also in 1844, San Juan was blockaded by England as a port of Nicaragua, to recover claims brought against Nicaragua. And England never in any way, till 1847, disputed the title of Nicaragua, at least to this point; and never in any manner asserted the Mosquito title south of Blewfield's Bay before that year, when, as I have before shown, she determined to control the terminus of the inter-oceanic communication, and under this amulatory Mosquito claim seized with an armed force the port of San Juan, driving out the troops of Nicaragua, and holding it herself, as she still holds it, under the affectation of a Mosquito protectorate.

The *projet* also contemplates a robbery of Nicaragua in favor of Costa Rica, which is so clearly and concisely exposed in the following extract, that with it I may finish this part of the subject:

"Upon the independence of Central America, the various provinces of the old Captain Generalcy, corresponding to our thirteen colonies, took the rank of independent States, and, as such, subsequently entered into the confederation of Central America. Each State assumed the boundaries which it had possessed as a province. From this arrangement there was no dissent. As provinces, the boundary between Costa Rica and Nicaragua had been repeatedly defined by royal decrees, by the historians of the country, and by the official maps. This was a right line, running from the lower or Colorado mouth of the San Juan river, to the mouth of the Rio Salto de Nicoya, or Alvarado, on the Pacific. All the Spanish maps, from the earliest periods to that of the disruption of the Spanish Empire in America, all lay down this line as a boundary. But upon this point the best evidence is that furnished by Costa Rica herself. In her first constitution, (art. 15, chap. ii.) dated January, 1825, she defines her boundary on the north to be precisely what we have stated, i. e., the mouth of the San Juan on the Atlantic, and that of the Alvarado on the Pacific. Were any further evidence necessary, it is afforded by the map attached to Thompson's Guatemala, which was furnished to the author of that work, officially, by the Government of the republic of Central America, of which Costa Rica formed a part. There was neither misunderstanding nor dispute upon the subject."

"So things remained up to the 9th of December, 1826, when the Federal Congress, from causes in no way connected with any question of territorial right, passed a decree as follows: 'For the present, and until the boundaries of the several States shall be fixed in accordance with act seven of the constitution, the department of Nicoya (or Guanacaste) shall be separated from Nicaragua and attached to Costa Rica.' Although this decree was provisional, Nicaragua did not submit to it without an earnest protest, in which the inhabitants of the district also joined. The Congress, however, never proceeded to define the limits of the respective States, and in 1838, the confederation was dissolved. By the dissolution, the original rights of the States, territorial as well as all others, reverted to them again in their sovereign capacity. The temporary alienation of Nicoya ceased, and it reverted to its true proprietor, whose rights, at the most, had only been suspended. Yet, it is upon this temporary concession of the Federal Congress that any claim of Costa Rica must rest; but no claim thus founded can for a moment receive the sanction of reason."

"Still, admitting it to its full extent, and admitting that Congress not only had the right of separating Nicoya from Nicaragua, and supposing that it had exercised the power with a view to permanency, and that the whole transaction had been concurred in by Nicaragua, yet, even then, Costa Rica could not claim a foot beyond the actual limit of the department of Nicoya, which constitutes less than one third of the vast territory which Mr. Webster proposes to surrender to her! Nicoyans comprised between the southwestern shore of Lake Nicaragua and the Pacific, and embraces no portion of the territory south of Lake Nicaragua, and below the San Juan river, a territory over which Nicaragua has always maintained jurisdiction, where she

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has had forts for centuries, and which she still occupies. As late as 1846, Costa Rica negotiated with Nicaragua for the privilege of passing through this territory, and in 1848 made overtures for the purchase of it."

This plan for the partition of Nicaragua was presented to her Minister here. He resisted and expostulated, but in vain; it was sent to Nicaragua, and, after being considered by the Government, was replied to by the following decree:

The Director of the State of Nicaragua to its Inhabitants: Inasmuch as the Legislative Assembly has decreed the following:

The Senate and Chamber of Representatives of the State of Nicaragua, in Assembly convoked—

DECREES:

ART. 1. The State of Nicaragua does not accept the project of convention or recomendatory basis, adjusted on the 30th of April last, between his Excellency Daniel Webster, Secretary of State of the United States, and his Excellency J. F. Crampton, Envoy Extraordinary and Minister Plenipotentiary of her Britannic Majesty, in respect to the territorial boundaries between Costa Rica and Nicaragua, and the separation of the Mosquito coast.

ART. 2. The State of Nicaragua is disposed to have the question started, in connection with the points mentioned, discussed before imperial arbitrators.

ART. 3. The State of Nicaragua protests solemnly against all foreign interference in the affairs of its government, and against the use of force to coerce its will or violate its rights.

Given in the Hall of Sessions of the House of Representatives, Managua, July 14, 1852.

AUGUSTIN AVILEZ, *Rep. Pres't.*

JOAQUIN CUADRA, *Rep. Sec't.*

MARIANI BOLANOS, *Rep. Sec't.*

In the Executive Hall of the Senate, Managua, July 16, 1852.

MIGUEL R. MORALES, *Senate Pres't.*

J. DE J. ROBLETO, *Senate Sec't.*

T. GUERRA, *Senate Sec't.*

Therefore, let it be executed. J. L. PINEDA, *Supreme Director of the Government of Nicaragua.*

MANAGUA, July 19, 1852. A true copy:

CASTILLON, *Secretary of Foreign Affairs.*

The following decree had been passed before (viz: in October, 1849) by the same authority:

"The Legislative Chambers of the Republic of Nicaragua, in view of past events and existing circumstances, in conformity with the settled sentiments of the people which it represents, solemnly declare:

"1. Their adhesion to the principle of the total exclusion of European interference from the domestic and international affairs of the republican American States, as necessary to their peace and independence.

"2. That the extension of monarchical institutions by conquest, colonization, or by a support of savage chiefs to sovereignty, or savage tribes to national existence, or by other means upon the American continent, is in opposition to the interests of the republican American States, dangerous to their peace and safety, and an encroachment upon their individual and collective rights."

And thus the affair was suspended; and nothing but the firmness and decision of the Nicaraguan government has saved us from the deep guilt involved in the project just discussed. When it was discovered that this plan would be opposed by the Minister of Nicaragua, application was made to his government for his recall; this was refused, as he was a long-tried and trusted representative, and the reasons of the demand were asked for; they were not given, but after the death of the then Secretary of State, as lately as the 30th of December, 1852, only the other day, the present Secretary of State addressed a note to the Minister of Nicaragua, refusing to recognize him in his official character; thus proving the persistence of this Administration in the same policy which had dictated the refusal to answer the inquiry contained in the letter to Mr. Webster, inserted above, and making the present Secretary of State a sort of administrator, *de bonis non*, of the unexecuted vengeance of his predecessor.

The last point to which I shall ask the attention of the committee, is the seizure by England of the islands of Roatan, Bonacca, &c., &c., in the Bay of Honduras. This has been completed in two acts; on the 10th of August, 1851, the superintendent of the Balize took possession of, and attached these islands as a dependency of the Balize.

In July, 1852, they were regularly organized under the name of the "Colony of the Bay of Islands." That this is a manifest violation of the Clayton and Bulwer treaty, in the sense which it bears on its face, does not admit of contradiction. But it is contended by the agents of England, that under the explanations and exceptions and conditions between Mr. Clayton and Mr. Bulwer, that British Honduras was not within the scope of that treaty, or its dependencies. Now, admitting this proposition, it is a fact known to every

one that these islands were only held by the English themselves to be dependencies of British Honduras in August, 1851, more than a year after the treaty was concluded; consequently, they could not have been "the dependencies" spoken of in the secret conditions of the treaty. But it is perfectly clear that, under existing treaties, (from which I have already cited paragraphs for other purposes,) in unbroken series from 1763 to 1814, and now governing the relations between England and Spain, and from laws passed by the English Parliament, and now in force, that England had no such right even in the Balize or British Honduras, as is asserted over these islands.

Under these treaties, the Balize itself belongs to the State of Guatemala, and the islands now in dispute as clearly to Honduras. By the seventeenth article of the treaty of peace, of 1763, it was provided that "His Britannic Majesty shall cause to be demolished all the fortifications which his subjects have erected in the Bay of Honduras, and other places of the territory of Spain, in that part of the world, within four months."

The English did demolish some of their forts, but retained some of their establishments, which violation of the treaty of 1763 led to another war. This war was concluded by a treaty of peace in 1783, by which the English were allowed the privilege of cutting logwood in the district "lying between the rivers Hondo and Balize, provided that the stipulation shall not be considered as derogating in anywise from the rights of sovereignty of the King of Spain." It also provides that all English subjects, "whether on the Spanish continent, or in any of the islands whatever dependent upon it," shall retire within the district above defined. As the conditions of this treaty were violated by the English, another was entered into, in 1786. The first article of this treaty is this:

"His Britannic Majesty's subjects, and the other colonists, who have enjoyed the protection of England, shall evacuate the country of the Mosquitos, as well as the continent in general, and the islands adjacent, without exceptions situated beyond the line hereafter described as what ought to be the frontier of the extent of territory granted by his Catholic Majesty to the English, for the uses specified in the third article of the present convention.

"The English line, beginning from the sea, shall take the center of the river Libun, or Jabon, and continue up to the source of said river; from thence it shall cross in a straight line the intermediate land till it intersects the river Wallace, (Higley,) and by the center of the same river the line shall descend to a point where it will meet the line already settled and marked out by the commissaries of the two Crowns in 1783."

The third article provides that the English may cut certain woods, and "gather such fruits of the earth as are purely natural or uncultivated." And further:

"But it is expressly agreed that this stipulation is never to be used as a pretext for establishing in that country any plantation of sugar, coffee, cocoa, or other like articles, or any fabric or manufacture by means of mills, or other machines whatsoever, (this restriction, however, does not regard the use of saw mills for cutting or otherwise preparing the wood,) since all the lands in question being indisputably acknowledged to belong to the Crown of Spain, no settlement of that kind, or the population which would follow, could be allowed."

In this settlement of boundaries, it will be observed that no islands are included; but as if to exclude all doubt upon that subject, the fourth article of the same treaty provides that the English shall use for certain purposes the island of Casina, of St. George's Key, but that "no fortifications shall be erected, or troops established there." Article fifth also provides that some small islands, (not, however, those now in dispute,) may be used by the English for the same purposes, and with the same restrictions as St. George's Key. "Spanish sovereignty over the country," and the exclusion of any "system of government, either military or civil," by any other Power, are expressly provided for in article sixth. It is obvious, therefore, that the British claim to the Balize is a mere possessory right guaranteed and limited by treaty, and for certain specific purposes, and it is equally obvious that the islands in dispute are not under the treaties, or in any sense dependencies of the Balize.

The limits laid down for the English in the treaty of 1786, were within the territory claimed by and recognized by Spain, as belonging to Guatemala, and that State has the undoubted right, derived direct from Spain, to sovereignty over it. By the same title the islands in dispute belonged

to the State of Honduras, and were acknowledged as her territory by Great Britain herself in 1830, when England disavowed in plain terms the act of the superintendent of the Balize in seizing the island of Roatan. The treaty of 1814 refers to and revives the treaty of 1786 with all the boundaries and rights which it contained, and that treaty is the law of the case at the present day. And England has so recognized it to be by acts of Parliament as late as 1819, and now in force, which amends an act passed in 1817, in which these words occur:

"Whereas, grievous murders and manslaughters have been committed at the settlement in the Bay of Honduras, the same being a settlement for certain purposes in the possession, and under the protection of his Majesty, but not within the territory and dominions of his Majesty," &c.

As to the part we should take in any dispute between Guatemala and Great Britain, in regard to the Balize, I have said enough before to indicate my opinion; but upon the much clearer question arising from the seizure of these islands, which were not dependencies of the Balize, but of the State of Honduras, and which were not claimed as dependencies of Balize for a year after the Clayton and Bulwer treaty, and which therefore could not come within the doubtful reservations, secretly made by Messrs. Clayton and Bulwer explanatory, I do not see how Americans can differ. The treaty of 1814 is plainly violated; the Clayton and Bulwer treaty is as openly broken in the clause which provides, "that neither Great Britain nor the United States shall occupy, fortify, or assume, nor exercise dominion over any part of Central America."

We should take such action as would enforce the treaty, let the result be what it may. It would be no war for conquest, but for the maintenance of national honor and good faith. It would result in placing us in our natural position, as the protector of those republics which have been created by the force of our example, and which have a right to look to us for aid in those emergencies in which we are as deeply compromised as they. I believe such a war—even if there should be a war from the assertion of our manifest rights—would terminate with extended territory, augmented power, and increased influence in the world. If, in its results, the ties which would exist between ourselves and the States of Central America, as guardian and ward—if the sympathy of a common republicanism should be drawn yet closer even to a political union—I can see nothing of evil augury in the prospect. Not that I would desire to see war for this or any other purpose, but to avert injury and disgrace; but I believe that such a war, and for such a purpose, is as sound in policy as right in morals.

ACQUISITION OF CUBA.

SPEECH OF HON. V. E. HOWARD, OF TEXAS,

IN THE HOUSE OF REPRESENTATIVES,

January 6, 1853,

In the Committee of the Whole on the state of the Union, on the duty of the United States to take possession of and hold the Island of Cuba.

Mr. HOWARD said:

Mr. CHAIRMAN: I have risen to address some remarks to the committee in reply to the observations of the honorable gentleman from New York, [Mr. Brooks,] the other day, touching the course of the Administration in relation to the subject of Cuba. I think he has done great injustice both to the law and to the facts connected with the course of conduct pursued by the Administration, and that he has also done injustice to the American citizens who were the victims of Spanish cruelty connected with this affair. It is manifest that the subject of Cuba is becoming one of great and growing national interest in this country. Its importance to my own State consists in this, that if Cuba was in the hands of an adverse or unfriendly maritime Power of any great strength, it would be impossible for the States bordering on the Gulf of Mexico to get their products to market; our great staples must rot upon the wharves of our southern commercial cities. It is, therefore, a subject to

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which we must direct our attention and dispose of in some form or other.

Now, sir, in relation to the expedition which was the subject of the gentleman's comments, I agree in one view expressed by him, and that is, that it was the duty of this Government to suppress all illegal private enterprises against Cuba, or any other foreign country. And, sir, it gives me pleasure to be able to say upon this occasion, that the Administration of Mr. Polk did suppress an illegal expedition that was contemplated shortly after our late peace with Mexico, and into which an effort was made to draw our soldiers on their return.

The letter of Mr. Buchanan, the Secretary of State of Mr. Polk, which has been so improperly published by this Administration, shows that that Administration interposed and suppressed a contemplated expedition against Cuba; that it issued directions to the officers of the army, and to all its civil officers who could act on the subject, directing that measures be taken that any such expedition should be suppressed. The measures adopted were efficient, and in this respect, the conduct of Mr. Polk's administration stands out in bold and honorable contrast with the course of his successors, for two such enterprises have since been set on foot, and descents upon Cuba effected in both instances. If the present Administration did not permit this expedition to go out, they were at least guilty of great negligence in relation to the matter, for which they ought to be held responsible to a just public opinion. For, sir, I take it to be an absurdity to say that this Government, with all its power, could not arrest an expedition confined to a single steamer. The use of ordinary diligence and exertion would have prevented that expedition from going out. Gentlemen on the other side cannot, therefore, accuse a Democratic Administration of this country of being negligent in relation to these expeditions against a neighboring Power; and in that respect, the Democratic party of this country stands in a much more favorable light, not only here, but elsewhere. I have no doubt that General Pierce will take efficient means to maintain and enforce the neutrality laws of the country.

While I am upon this subject, I may as well refer to another question. I am in favor of the Monroe doctrine; but I am not inclined to sustain certain resolutions that have been introduced into the other branch of Congress by one of the greatest statesmen of the country, which gives a formal notice to the world, that when any foreign Power attempts to settle or colonize on this continent, we will consider it an unfriendly act, a cause of war. I am not for abstract legislation on any subject. I do not see the propriety, by a joint resolution of Congress, of serving notice upon the whole world, after the manner of Richard Roe and John Doe in an action of ejectment, that whenever a colonization establishment, or any other settlement, shall be made upon this continent by a European Power, it shall be immediately a cause of war. I think that abstract legislation in all instances, is improper. The court which wanders beyond the record in deciding a case, in judicial proceedings, generally has to retrace its steps; and when the legislator attempts abstract legislation in advance of the times, he commits a fault still greater, and more inexcusable. I prefer that each case should be left to its own circumstances. It is the part of wisdom to leave every case to be determined by its own circumstances. They will not only be a law for themselves, but find a means for their own peaceful solution. To attempt to determine this matter by legislation is not compatible with the theory of our Government. In the first instance, it is more properly a question for the diplomacy of the Government; and in the next place, if diplomacy fails, it is a question for the war-making power. To declare this policy by a law, in the shape of a joint resolution, would in a great measure take it out of the hands of our diplomatic agents, and limit the discretion of the President, to whose custody it has hitherto been confided. Sir, it must be apparent to every reflecting man, that the European Powers are much more likely to quietly concede Cuba to us if we do not thus ostentatiously assert such a principle by legislation, than they are to acquiesce in this doctrine so broadly stated as it has been put forth

in those resolutions to which I allude. It is rather calculated to irritate than to be of any practical benefit.

But, sir, I do not think that the Senate resolutions state the Monroe doctrine fairly. The Monroe doctrine is, that if colonization upon this continent by European Powers shall endanger our safety, shall conflict with our great national interests or peril our institutions, then it will be a cause of war; but it is not, as these resolutions seem to contemplate, that every settlement upon any sand-bank on this continent is an offense, which is to result in war. I am opposed to any declaration, by legislative enactment or by joint resolutions of Congress, which would compel us in honor to go to war if a European Power should happen to take possession of any unimportant or barren spot upon this continent. I am in favor of this doctrine, that whenever a European Power undertakes to make a colonial establishment here which interferes with our great national interests, our national safety, or our institutions, we will then resort to the last argument, if the last argument becomes necessary to free ourselves of the difficulty; but I do not go beyond that. I am in favor of a practical enforcement of the doctrine when any necessary case shall arise.

But, sir, I am opposed to these resolutions for another reason. They are inadequate to the subject. They go upon the ground that we will not permit any foreign country to establish any settlement here; but at the same time that we permit present establishments to remain as they are, that we will never acquire Cuba without the consent of Spain. Now, I am at a loss to understand on what the Monroe doctrine, taking that view of the subject, is held to be based. If it has any sound basis, it must rest on a question of safety—that these colonial establishments interfere with our commerce and institutions, and endanger the stability of our Government. Well, if any existing establishment upon this continent interferes in the same way, and is pregnant with the same dangers, is there not as much reason that an existing establishment shall cease as there is that a new establishment or colony shall not be created? The one principle is precisely as broad as the other, and controlled by the same reasons. Sir, it is not a sound principle of international law which is attempted to be asserted by the Senate resolves. The whole doctrine rests, and can be based upon nothing else than that we have a right, under the international code, to take all those precautionary measures which the safety of the nation requires. Therefore, sir, for one, while Cuba remains in its present position—while it remains quietly under the power of Spain—while its present domestic relations are continued and its internal policy does not endanger our safety—I see no necessity for our attempting any design upon it.

But, on the contrary, if the projects of England should ever take a definite form, which have continued from 1820 to the present time—if there should be danger that any great maritime power will take possession of Cuba, and thereby disturb our safety, by locking up the commerce of the Gulf, including as it does that of the valley of the Mississippi and eight or ten States, then, under the international code as laid down by Vattel, Wheaton, and others, and as the principle has been stated by Chancellor Kent, we would be justified in taking possession of Cuba, although we might in justice and fairness be afterwards compelled to make a fair compensation for it to Spain, if the necessity for such a measure was created without any fault on her part, and if her conduct towards us had been fair and just.

Chancellor Kent thus states the rule on this subject:

"Every nation has an undoubted right to provide for its own safety, and to take due precaution against distant as well as impending danger. The right of self-preservation is paramount to all other considerations. A rational fear of an imminent danger is said to be a justifiable cause of war."—Kent, *Vattel*, b. 2, c. 4, section 49, 50.

I can well conceive that that necessity will probably arise. If any one of the great European Powers were to attempt to possess themselves of the Island, or if they were to attempt, what has been threatened, to change the institutions of the Island so as to make it a second St. Domingo, with a view of striking a blow at slavery in the United States,

and thereby endanger the peace and security of the slave States upon the Gulf, then it would be the duty of this Government to interfere, and take possession of the Island and hold it as an American State or an American province.

The southern States on the Gulf would never permit Spain, as a matter of revenge in the case of a revolution by the Creoles, to abolish slavery in that Island, with a view to the destruction of the planters. They cannot permit such an example to be successful so near their shores. The instinct of self-preservation is too strong. This measure was threatened during the invasion of Lopez; it never can succeed so long as slavery exists in the United States; and any attempt of that sort, either by Spain or any other Power, will be followed by an immediate seizure of the Island, either by this Government or by the slave States on the Gulf of Mexico. There is no principle of international law that would require a great Government like the United States to permit itself to be thus assailed through a small colonial dependency of another and distant Power. England has been very prompt to protect herself from like dangers by at once taking possession of the point of danger. If Cuba had been as near her possessions as ours, she would have seized it long since on half the provocation.

On what principle do the British hold Gibraltar, Malta, and several other strong positions, which give them control over the commerce of the world? Why, they have assumed them as being necessary to the protection of their own commerce. Upon this question of necessity, the policy of the Government is well settled, if Cuba should ever pass from the dominion of Spain to that of any other Power. The danger to be apprehended to this country and its institutions from the acquisition of Cuba by any other Power, as well as the intrigues of England in relation to the subject, have been pointed out and made the subject of comment by nearly every Administration for more than thirty years. These dangers were suggested by Mr. Adams while Secretary of State in 1822, in his official dispatches to our Minister to Madrid. In his dispatch to Mr. Forsyth, he says:

"The present condition of the Island of Cuba has excited much attention, and has become of deep interest to this Union. From the public dispatch and other papers which you will receive with this, you will perceive the great and continued injuries which our commerce is suffering from pirates issuing from thence, the repeated demands made upon the authorities of the Island for their suppression, and the exertions, but partially effectual, of our own naval force against them." "From various sources intimations have been received here, that the British Government have it in contemplation to obtain possession of the Island." "There is reason also to believe that the future political condition of the Island is a subject of much anxiety and of informal deliberations among its own inhabitants; that both France and Great Britain have political agents there, observing the course of events, and perhaps endeavoring to give them different directions."

In his dispatch of April, 1823, Mr. Adams again comments upon the designs of England, with reference to the Island; upon the impossibility of its inhabitants maintaining an independent government, alleging, that "their only alternative of dependence must be upon Great Britain or upon the United States." In commenting upon the necessity of Cuba to the United States, he says:

"Such, indeed, are, between the interests of that Island and of this country, the geographical, commercial, moral, and political relations, formed by nature, gathering in process of time, and even now verging to maturity, that, in looking forward to the probable course of events, for the short space of half a century, it is scarcely possible to resist the conviction that the annexation of Cuba to our Federal Republic will be indispensable to the continuance and integrity of the Union itself."

After Mr. Adams was elevated to the Presidency, he maintained his policy in relation to Cuba, which was substantially repeated to our Minister to Spain in 1825, by his Secretary of State, Mr. Clay. In 1827, our Minister to Spain, Mr. A. H. Everett, gave information to the Government of an effort of England to revolutionize Cuba, based upon a dispatch of the Spanish Minister at London. The Spanish Minister admitted to Mr. Everett, that his Government had received information of the efforts of England. Mr. Everett says in his dispatch of December 12th, 1827:

"I then mentioned to Mr. Salmon that, according to the information which the Government of the United States had received, the object of the plan was to place the Island under the protection of Great Britain; but that the form of

a declaration of independence was to be adopted, in order to avoid awakening the jealousy of the United States; that the United States would not, of course, be deceived by this artifice; that they could not view with indifference these movements of the British Government, considering it, as they did, as a settled principle, that the Island must in no event pass into the possession of, or under the protection of any European Power other than Spain."

Mr. Van Buren, as Secretary of State, in 1829, in his dispatch to our Minister to Spain, alluded to the designs of England and France with reference to Cuba and Porto Rico. With reference to the importance of the former to the United States, he said:

"The Government of the United States has always looked with the deepest interest upon the fate of those Islands, but particularly Cuba. Its geographical position, which places it almost in sight of our southern shores, and, as it were, gives it the command of the Gulf of Mexico and the West India seas, its safe and capacious harbors, its rich productions, the exchange of which, for our surplus agricultural products and manufactures, constitutes one of the most extensive and valuable branches of our foreign trade, render it of the utmost importance to the United States, that no change should take place in its condition which might injuriously affect our political and commercial standing in that quarter. Other considerations, connected with a certain class of our population, make it the interest of the southern section of the Union that no attempt should be made in that Island to throw off the yoke of Spanish dependence, the first effect of which would be the sudden emancipation of a numerous slave population, the result of which could not but be very sensibly felt upon the adjacent shores of the United States."

Mr. Forsyth, as Secretary of State, in his dispatch in 1840, repeated the views of his predecessors, and warned our Minister to be on the look-out against the designs of England on Cuba, of which the Government had been advised. Mr. Webster, in his dispatch as Secretary of State, to our Minister to Spain, says:

"The archives of your legation will show you that the subject of the supposed designs upon the Island of Cuba by the British Government is by no means new, and you will also find that the apprehension of such a project has not been unattended to by the Spanish Government."

In January, 1843, Mr. Webster communicated to our Consul at Cuba, the contents of a communication which he had received from a "highly respectable source," as to renewed designs of England upon Cuba. The writer makes statements about the designs of the British Ministry and British abolitionists, to bring about a revolution in Cuba, and erect it into a "black military republic, under British protection." He remarks, says Mr. Webster, "if this scheme should succeed, the influence of Britain in this quarter, it is remarked, will be unlimited. With six millions of blacks in Cuba, and eight hundred thousand in her West India Islands, she will, it is said, strike a death blow at slavery in the United States. Intrenched at Havana and San Antonio, posts as impregnable as Gibraltar, she will be able to close the two entrances to the Gulf of Mexico, and even prevent the free passage of the commerce of the United States over the Bahama Banks, and through the Florida channel." And although Mr. Webster says the Government neither indorses nor rejects these views, they are so stated by him as to show that they made a deep impression on his own mind.

It is apparent from all this correspondence, that it is the settled policy of the Government that Cuba is not to pass from Spain without coming under our own jurisdiction, and that the Island is not in a position to permit it to be an independent government without making it dangerous to our commerce, institutions, and national safety. Since this correspondence, our immense Pacific commerce has arisen, which passes within sight of Cuba.

A very accomplished officer of the Navy, Lieutenant Dalghren, in his report on the subject of fortifications, has expressed an opinion, which is obviously true, that, with all the fortifications we can place on our coast, we cannot protect our commerce in the Gulf of Mexico, with Cuba in the possession of a hostile Government. Indeed, Cuba is far more necessary to us, than Gibraltar or Malta is to England.

Mr. Dalghren says:

"The true and only key, however, to the defense of these shores and to the immense interest there collected, is the Havana. The island to which it belongs enters its western extreme into the Gulf, leaving but two passages for vessels, so narrow as to be commanded with the greatest facility; these are the great thoroughfares of trade, and the mail steamers from New Orleans to California and New York.

Hence if the use of the Havana be even at the disposal of an enemy while in the hands of a neutral Power, each and all of these interests could be with difficulty defended, even by a superior naval force, and never guaranteed against severe losses." While from it, as a United States port, a squadron of moderate size would cover the southeast and Gulf coasts, protect the foreign and inshore traders, and secure the lines from New Orleans or New York to the Pacific States by way of the Isthmus—its occupation would necessarily be the object of every expedition, military or naval, preliminary to any attempt on the southern trade or territory."

The rule of international law for which I am contending, is thus stated by Mr. Wheaton:

"Of the absolute international rights of States, one of the most essential and important, and that which lies at the foundation of all the rest, is the right of self-preservation. It is not only a right with respect to other States, but a duty with respect to its own members, and the most solemn and important which the State owes to them. This right necessarily involves all other incidental rights which are essential as means to give effect to the principal end."

The European Powers are estopped from denying the application of this doctrine in its fullest extent, by having repeatedly acted upon it. By the treaty of Utrecht the French Government was compelled to demolish the fortifications at Dunkirk, because dangerous to others. By the treaty of Paris of 1815, France was compelled to demolish the fortifications of Huningen, and agree never to renew them, because dangerous to Basle. The doctrine of self-defense and self-preservation was the alleged justification of the combination of the Protestant Powers against Louis XIV., and for all the coalitions formed by the allied Powers against France, and more recently for the Congress of Troppau and Laybach, in relation to the Neapolitan revolution in 1820; for the Congress of Verona in relation to the affairs of Spain, and one of the grounds for British interference in the affairs of Portugal in 1826; for the interference of the Christian Powers in favor of Greece, principally on the ground that the contest encouraged piracies, and interfered with commerce; for the interference of Austria, Great Britain, and Russia, in the affairs of the Ottoman Empire in 1840. I do not mention these instances with approbation, but to show the existence of the right in a proper case, and that neither England, France, nor Spain, can complain of its exercise. England has seized possession after possession in India, on the ground that each instance was necessary to the preservation of her other possessions in that country.

The right of a government to take all necessary measures for its safety and self-defense consistent with reason and justice to other Powers, is stated more strongly by European writers than by our own. Vattel asserts that "since, then, every nation is obliged to preserve itself, it has a right to everything necessary to its preservation." * * * "A nation or State has a right to everything that can help to ward off imminent danger, and keep at a distance whatever is capable of causing its ruin; and that from the very same reasons that establish its rights to the things necessary to its preservation."

Cuba is even now in a transition state. It cannot continue long in its present condition. Revolts will continually occur there, for the seeds of liberty have been sown in that devoted Island. The people will be restive under the onerous and oppressive exactions of Spain. With the present commercial policy of that country, the revenues collected from the Island will not pay the army and navy necessary to keep the people in subjection. It is not, therefore, in my opinion, possible for the Island to long remain a dependency of Spain, and we can never with safety permit it to pass out of her dominion without becoming a portion of the United States. Cuba requires our utmost vigilance. The effort of England and France to induce us into a treaty in relation to the Island; the fact that those Powers combined to place fleets there under pretense of guarding its coast; the fact that England has assumed to erect a colony on the islands off the coast of Central America, and has now a considerable fleet in the Gulf and off the coast of Cuba, under the pretense of arresting the slave trade, all demand our vigilance, and preparation for any emergency. There is no doubt that, since the discovery of gold in Australia, England has, with increased interest, turned her attention to the Gulf of Mexico and the Isthmus, as a line of communication with her

Asiatic possessions. We have been made to feel her power and weight in Mexico, in connection with the Tehuantepec route.

I dissent altogether from the position of the President that it would be inexpedient for us to acquire Cuba, if Spain consents to our acquiring it by treaty or purchase. I hold that it is our highest national interest to become the possessor of that Island as soon as we can by cession from Spain. I cannot see the danger of sectional agitation from its acquisition which is anticipated by the President. There are ten men in the United States now in favor of acquiring Cuba, where there was one in favor of the annexation of Texas at the time of the Tyler treaty. The commercial class of the North generally are in favor of the measure as soon as it can be honorably accomplished. It is obvious that the northern States would be largely benefited by it in a commercial point of view. It is, in my opinion, a great mistake to suppose the acquisition of Cuba would give rise to any fresh agitation of the slavery question. If the Island were in our possession, we should effectually suppress the slave trade, and to that extent, its transfer to us would not only diminish slavery, but arrest a traffic which results in an annual loss of the lives of colored persons, nearly, if not quite equal in number, to those reduced into slavery by the trade. If Cuba were converted into a black republic, it would soon become a mere harbor for pirates, and the northern States would be the first to cry for the acquisition of the country. There is no danger that the North would risk the consequences of rejecting Cuba. They have too much interest in the preservation of the Union; far more than the South. Their whole commercial and manufacturing prosperity rests upon it. We have passed that crisis for the present century.

Neither is there any danger from the character of the population in Cuba. With the aid of the thousands which would flock there from every portion of the United States, they would have no difficulty in working our system. The admission of a free press, and the Protestant religion, would work wonders in the Island in a short time.

I will proceed now to the course of the Administration, which was the subject of the remarks of the honorable gentleman from New York, [Mr. Brooks,] the other day, touching the treatment which the prisoners taken in the Lopez expedition received by the Spanish authorities of the Island.

I repeat, that I am not a defender of the Lopez expedition, nor of any similar adventurers. But there are many things to be said in extenuation of that unfortunate occurrence. Cuba is, no doubt, oppressed by one of the worst governments on earth. It is more arbitrary than that of the Czar, and less humane because it is governed by officers from Old Spain, whose object is to amass wealth by oppressing the people by burdensome and onerous exactions. General Lopez, an ardent lover of liberty, was inspired with the ambition of freeing his country from this intolerable despotism. He pursued his high purpose with an energy, perseverance and courage, worthy of a better fate. He missed the fame and renown of one of the liberators of the age, only because his efforts were unfortunate. While the leader of a revolution is canonized by success, the unfortunate conspirator is covered with obloquy, and his name shrouded in disgrace. Narciso Lopez perished ignominiously by the garrote, but his blood watered a soil that will yet bear the fruits of liberty, and a monument to his memory will hereafter be erected over the spot where he fell, by the hands of freemen. Every revolution generally has a victim before success.

It has been the policy of the authorities of Cuba to represent that the Creoles of the Island did not sympathize with the movement of Lopez. But the reverse is well known; an extensive revolt was at one time planned and organized. That is proved by the multitude of arrests and banishments, by the fact that all the prisons in the Island were crowded to overflowing. After the failure of the first expedition this organization was, to a great extent, broken up. A reorganization took place just before the second expedition of Lopez, and at one place, at least, a declaration of independence was promulgated. There is no doubt that the extent of this movement was greatly exaggerated, and that the revolt was by no means as